

CRAIG BLACK,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

**STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISMISSAL**

07 Civ. 3031 (DLC)

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WHEREAS, plaintiff commenced this action by filing a complaint on or about April 16, 2007, alleging that defendants City and Vitale violated plaintiff's federal civil and state common law rights; and

WHEREAS, defendants City and Vitale have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

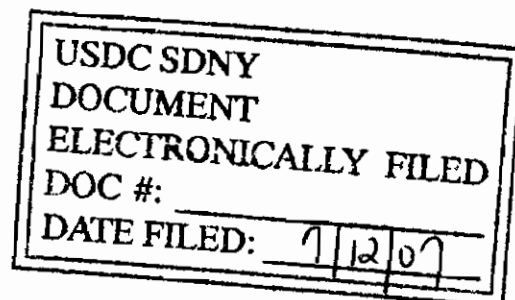
NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff the sum of Fifteen Thousand (\$15,000.00) Dollars in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against defendants City and Vitale and to release the defendants, any

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any and all liability, claims, or rights of action that were or could have been alleged by plaintiff arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendant's attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

the terms and conditions contained herein.

Dated: New York, New York

RICHARD CARDINALE  
Cardinale & Marinelli  
Attorneys for Plaintiff  
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MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendants City and Vitale  
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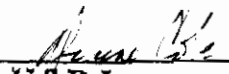
By:

  
\_\_\_\_\_  
RICHARD CARDINALE  
Attorney for Plaintiff CRC 8507

By:

  
\_\_\_\_\_  
SHAWN FABLAN (SF4606)  
Assistant Corporation Counsel

SO ORDERED:

  
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U.S.D.J.  
July 17, 2007